THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22765 OF 2005

DATED:24.10.2005

Between:

N.R.Srinivas, and others

…Petitioners

And

The Vice-Chairman

Hyderabad Urban Development Authority,

Near Police Lines, Begumpet, Hyderabad and another

…Respondents

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ORDER:

The petitioners claim to be the purchasers of the land admeasuring Ac.12.38 gts. in S.No.830 situated at Medchal Village, Ranga Reddy District. They purchased the said land from the protected tenants, who were granted patta by the Joint Collector by proceedings dt.20.12.1996. It appears, the second respondent who is grand-son one Kishan Pershad, approached the first respondent for sanction of lay out in respect of the land and some other land. Aggrieved by the same, petitioners made a representation to Hyderabad Urban Development Authority (HUDA) not to release the lay out for the land in S.No.830 admeasuring Ac.12.38 guntas.

Originally the land in S.No.830 belonged to Kishan Pershad and family. He filed a

declaration before the Land Reforms Tribunal under the provisions of A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. It appears, in the said declaration he claimed exemption of land which was in possession of the protected tenants, who were entitled to patta under the provisions of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Tenancy Act). After considering the declaration, the Land Reforms Tribunal declared Kishan Pershad and others to be surplus to the extent of Acs.135.00. Be that as it is, subsequently, when the patta was granted to the vendors' of the petitioners, Kishan Pershad and others filed a revision under Section 90 of the Tenancy Act before this Court. By the judgment in **Raj Kishan Pershad v. Joint Collector, R.R.District** this Court dismissed the revision petitions filed by the owners. As against the said judgment, S.L.P.(Civil) Nos.9133-9141/2001 were preferred and the same were also dismissed by the Supreme Court on 8.1.2002.

If the second respondent seeks approval of lay out for the land in S.No.830 to which he is legally entitled to excluding the land which was purchased by the petitioners admeasuring Ac.12.38 gts., subject to second respondent satisfying all other conditions and his title to the property, HUDA may sanction the lay out plan. But, for the land to the extent of Ac.12.38 gts. belong to the petitioners, HUDA cannot grant any lay out to the second respondent. This matter has to be looked into by the competent authority of HUDA while sanctioning lay out submitted by second respondent. The petitioners rightly approached the first respondent by making representation and therefore HUDA should consider the representation before taking any decision on the application submitted by second respondent. These observations would meet ends of justice.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

24.10.2005

bnr

Note:Operative portion of the order

may be communicated by WIRE

at party's cost.

(B.O)

bnr